



**Isle of Man**

*Ellan Vannin*

**INTERNATIONAL CO-OPERATION  
(PROTECTION FROM LIABILITY) BILL 2021**



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# INTERNATIONAL CO-OPERATION (PROTECTION FROM LIABILITY) BILL 2021

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## Explanatory Memorandum

1. This Bill is promoted by Mr Hooper M.H.K. on behalf of the Cabinet Office.
2. *Clause 1* gives the proposed short title of the resulting Act.
3. *Clause 2* provides for the commencement of the resulting Act on a day appointed by the Council of Ministers. An order under clause 2 may contain consequential, incidental, supplemental, saving, transitional and transitory provisions.
4. *Clause 3* defines certain terms which are used in the Bill.
5. *Clause 4(1)* confers protection from liability on a public authority in the Island for any act the authority has in good faith done in the discharge or purported discharge of its functions in connection with the giving of assistance to a relevant authority outside the Island under an enactment specified in the *Schedule*. A person making a claim against a public authority in circumstances in which protection is afforded by this clause would have to show that the act by the authority was done in bad faith for the protection not to apply. The public authority may rely on the good faith of the relevant authority to which it gave assistance to prove that it did not act in bad faith (*clause 4(3)*). The protection extends to liability for damages, consequential loss, or costs in legal proceedings.
6. *Clause 4(2)* provides that *clause 4(1)* does not provide protection against an award of damages being made in respect of an act if the act was unlawful under the *Human Rights Act 2001*.
7. *Clause 4(4)* confers a power on the Council of Ministers to make an order to exclude any type of damages, costs or consequential loss in respect of assistance in any legal proceedings from the application of the Bill. An order made under this clause requires Tynwald approval.
8. *Clause 5* confers a power on the Council of Ministers to amend the *Schedule* and make other necessary consequential adjustments and amendments to give effect to the resulting Act by order. An order under this clause requires Tynwald approval.
9. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the *Human Rights Act 2001*.





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## INTERNATIONAL CO-OPERATION (PROTECTION FROM LIABILITY) BILL 2021

1 A **BILL** to make provision for protection from liability against claims for  
2 damages, costs and consequential loss in cases where a public authority  
3 provides assistance pursuant to a request made by a relevant authority of a  
4 country or territory outside the Island, and for connected purposes.

**BE IT ENACTED** by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

### 5 1 Short title

6 The short title of this Act is the International Co-operation (Protection from  
7 Liability) Act 2021.

### 8 2 Commencement

9 (1) This Act (apart from section 1 and this section) comes into operation on  
10 such day or days as the Council of Ministers may by order appoint.

11 Tynwald procedure — laying only.

12 (2) An order under subsection (1) may make such consequential, incidental,  
13 supplemental, saving, transitional and transitory provision as appears to  
14 the Council of Ministers to be appropriate.

### 15 3 Interpretation

16 In this Act—

17 “**assistance**” includes —

18 (a) assistance in respect of obtaining evidence or information,  
19 obtaining or restraining assets, conducting investigations and  
20 conducting searches; and

21 (b) assistance in any legal proceedings, including proceedings to  
22 establish the lawfulness of a decision to give assistance;

23 “**damages**” includes loss or damage to property;

1 “public authority” includes —

2 (a) any person certain functions of whose are functions of a public  
3 nature; and

4 (b) a person who is or has been, or is acting or has acted as, an officer  
5 or agent of a person referred to in paragraph (a),

6 but does not include a court or tribunal; and

7 “relevant authority”, in relation to a country or territory outside the Island,  
8 means an authority in that country or territory that requests assistance.

#### 9 4 Protection from liability for damages, costs and consequential loss

10 (1) Subject to subsections (2) and (3), and despite any other provision in any  
11 other enactment to the contrary, a public authority shall not be liable —

12 (a) in damages;

13 (b) for consequential loss; or

14 (c) for costs in legal proceedings,

15 in respect of any act done in the discharge or purported discharge of the  
16 public authority’s functions in connection with the giving of assistance to  
17 a relevant authority of any country or territory outside the Island under  
18 any enactment specified in the Schedule, or subordinate legislation made  
19 under such an enactment, unless it is shown that the act was done in bad  
20 faith.

21 (2) Subsection (1) does not prevent an award of damages being made in  
22 respect of an act on the ground that the act was unlawful as a result of  
23 section 6(1) of the *Human Rights Act 2001*.

24 (3) A public authority may rely on the good faith of the relevant authority to  
25 which it gave the assistance referred to in subsection (1) to prove that the  
26 public authority did not act in bad faith.

27 (4) The Council of Ministers may by order exclude any type of damages,  
28 costs or consequential loss in respect of assistance in any legal  
29 proceedings from the application of this Act.

30 Tynwald procedure — approval required.

#### 31 5 Orders

32 The Council of Ministers may by order —

33 (a) amend the Schedule;

34 (b) make such other provision as the Council of Ministers thinks fit  
35 for the purposes of carrying this Act into effect;

36 (c) make such consequential, incidental, supplementary, saving or  
37 transitional provisions, including provisions making amendments



- 1 to any other enactment, as appear to the Council of Ministers to be  
2 necessary or expedient –
- 3 (i) for the general purposes, or any particular purpose, of this  
4 Act;
- 5 (ii) in consequence of any provision made by or under this  
6 Act; or
- 7 (iii) for giving full effect to this Act or any provision of it.
- 8 Tynwald procedure – approval required.



1

**SCHEDULE**

2

**ENACTMENTS UNDER WHICH A PUBLIC AUTHORITY IS PROTECTED FROM  
LIABILITY**

3

4

[Section 4(1)]

5

1. Bankers' Books Evidence Act 1935 (AT 1 of 1935)

6

2. Income Tax Act 1970 (AT 3 of 1970)

7

3. Customs and Excise Management Act 1986 (AT 34 of 1986)

8

4. Criminal Justice Act 1990 (AT 1 of 1990)

9

5. Criminal Justice Act 1991 (AT 25 of 1991)

10

6. Value Added Tax Act 1996 (AT 1 of 1996)

11

7. Retirement Benefits Schemes Act 2000 (AT 14 of 2000)

12

8. Anti-Terrorism and Crime Act 2003 (AT 6 of 2003)

13

9. International Criminal Court Act 2003 (AT 9 of 2003)

14

10. Financial Services Act 2008 (AT 8 of 2008)

15

11. Proceeds of Crime Act 2008 (AT 13 of 2008)

16

12. Insurance Act 2008 (AT 16 of 2008)

17

13. Gambling Supervision Act 2010 (AT 8 of 2010)

18

14. Gambling Duty Act 2012 (AT 6 of 2012)

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15. Terrorism and Other Crime (Financial Restrictions) Act 2014 (AT 13 of 2014)

IN THE KEYS

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FROM LIABILITY) BILL 2021**

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A **BILL** to make provision for protection from liability against claims for damages, costs and consequential loss in cases where a public authority provides assistance pursuant to a request made by a relevant authority of a country or territory outside the Island, and for connected purposes.

Approved by the Council of Ministers  
for introduction in the House of Keys.

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MR HOOPER

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JANUARY 2021